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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
 )  
8 Plaintiff, ) Case No. CR02-16-JCC  
 )  
9 v. )  
 )  
10 STEPHEN MICHAEL IRISH, ) **PROPOSED FINDINGS OF**  
 ) **FACT AND DETERMINATION**  
 ) **AS TO ALLEGED**  
11 Defendant. ) **VIOLATIONS OF**  
 ) **SUPERVISED RELEASE**  
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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on November  
15 25, 2008. The defendant appeared pursuant to a summons. The United States was represented by  
16 Michael Scoville, and defendant was represented by Kristine Costello. Also present was U.S.  
17 Probation Officer Michael J. Larson. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR VIOLATIONS

19 On August 16, 2002, the Honorable John C. Coughenour sentenced defendant to 21 months  
20 of imprisonment and five years of supervision following defendant's plea to Bank Fraud. On  
21 October 31, 2003, defendant began his supervision. Since his release, the probation department  
22 has filed three violation reports, one recommending no action and the other two involving  
23 consented modifications. The violation reports were filed based on new law violations, use of

1 drugs and alcohol and failing to pay restitution. Based on these violation reports defendant has  
2 twice been reprimanded, referred for services and twice placed on home confinement.

3 PRESENTLY ALLEGED VIOLATIONS AND  
4 DEFENDANT'S ADMISSION OF THE VIOLATION

5 In a petition dated October 30, 2008, Supervising U.S. Probation Officer Michael J. Larson  
6 alleged that defendant violated the following conditions of supervised release:

7 1. Failing to pay restitution for the months of July, August, September and October 2008 in  
8 violation of the special condition that defendant pay restitution as directed by the probation  
9 office.

10 Defendant admitted the violation. He was advised of his right to an evidentiary hearing and  
11 waived any hearing as to whether the violations occurred. Defendant was advised that a  
12 disposition hearing was scheduled for December 5, 2008, at 9 AM before the Honorable John C.  
13 Coughenour. Defendant remains in the community.

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated the  
16 conditions of his supervised release as alleged above, and conduct a disposition hearing.

17 DATED this 25<sup>th</sup> day of November, 2008.

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19 BRIAN A. TSUCHIDA  
20 United States Magistrate Judge